

EXHIBIT 1

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MINNESOTA

3 -----
4 Brandon Deutsch, individually and on
5 behalf of all similarly situated individuals,

6 Plaintiff,

7 vs. Case No. 20-CV-00318-SRN-ECW

8 My Pillow, Inc.,

9 Defendant.
10 -----

11
12 REMOTE VIDEO ZOOM DEPOSITION OF

13 THOMAS ARTH
14

15 DATE: August 15, 2022

16 TIME: 9:26 a.m.

17 PLACE: Videoconference
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21
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23

24 REPORTED BY: NANCY G. GISCH, RMR, CRR, CLR, CRC

25 (Via videoconference)

<p style="text-align: right;">Page 2</p> <p>1 The videoconference deposition via 2 Zoom of THOMAS ARTH, taken on August 15, 2022, 3 commencing at approximately 9:26 a.m., before 4 Nancy G. Gisch, Registered Merit Reporter, 5 Certified Realtime Reporter, Certified LiveNote 6 Reporter, Certified Realtime Captioner, a notary 7 public in and for the State of Wisconsin. 8 9 A P P E A R A N C E S 10 (All appearances via videoconference) 11 12 On Behalf of the Plaintiff: 13 ZACK KAYLOR, ESQ. 14 zkaylor@johnsonbecker.com 15 Johnson Becker, PLLC 16 444 Cedar Street 17 St. Paul, Minnesota 55101 18 612-436-1800 19 20 21 22 23 (Appearances continued on next page.) 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 I N D E X 2 WITNESS: THOMAS ARTH PAGE 3 4 EXAMINATION BY MS. OLAWSKY..... 5 5 EXAMINATION BY MR. KAYLOR..... 34 6 7 EXHIBITS MARKED AND REFERRED TO: 8 EXHIBIT 1..... 15 9 Organization chart 10 MYPILLOW000155 0001 11 EXHIBIT 2..... 30 12 TIMECARD 2/1/2018 - 2/4/2018 13 MYPILLOW000009 - 0001 through 14 MYPILLOW000009 - 0236 15 16 17 18 (Original exhibits attached to original 19 transcript; copies to counsel.) 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 On Behalf of the Defendant: 2 JANET M. OLAWSKY, ESQ. 3 jolawsky@fredlaw.com 4 Fredrikson & Byron, P.A. 5 200 South Sixth Street 6 Suite 4000 7 Minneapolis, Minnesota 55402-1425 8 612-492-7000 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 P R O C E E D I N G S 2 COURT REPORTER: Will all counsel 3 please stipulate to the swearing in of the 4 witness remotely. 5 MR. KAYLOR: Yes. 6 MS. OLAWSKY: Yes. 7 THOMAS ARTH, 8 duly sworn, was examined and testified as follows: 9 EXAMINATION 10 BY MS. OLAWSKY: 11 Q. Good morning, Mr. Arth. 12 My name is Janet Olawsky. And I represent 13 My Pillow in this lawsuit. 14 Have you ever had your deposition taken 15 before? 16 A. No, I haven't. 17 Q. So your counsel may have described the 18 ground rules for today, but just so you're aware, 19 it's very important that we not speak over 20 one -- speak over one another, because Nancy is 21 taking down everything that's being said. 22 So if you could just wait until after I'm 23 finished asking my question before you answer, 24 and I'll wait for you to finish answering before 25 I answer -- ask my next question. And we'll just</p>

<p style="text-align: right;">Page 6</p> <p>1 go back and forth, one at a time.</p> <p>2 A. Very good.</p> <p>3 Q. The only other requirement is that it's</p> <p>4 very important that you answer verbally -- so yes</p> <p>5 or no -- so that your answer can be accurately</p> <p>6 transcribed.</p> <p>7 So just be sure to answer yes or no,</p> <p>8 rather than shaking your head or saying uh-huh.</p> <p>9 A. Okay.</p> <p>10 Q. You worked at My Pillow from January 2016</p> <p>11 to November 2020. Correct?</p> <p>12 A. That is correct.</p> <p>13 Q. You were initially hired into a customer</p> <p>14 service role?</p> <p>15 A. Correct.</p> <p>16 Q. It looks like, on June 25 of 2018 you were</p> <p>17 transferred from customer service to sales?</p> <p>18 A. That's correct.</p> <p>19 Q. This resulted in a new job title. Didn't</p> <p>20 it?</p> <p>21 A. Yes, it did.</p> <p>22 Q. And you also had different job duties?</p> <p>23 A. Yes, I did.</p> <p>24 Q. You remained in sales for the rest of your</p> <p>25 employment. Correct?</p>	<p style="text-align: right;">Page 8</p> <p>1 or more.</p> <p>2 But when they were just -- normally they</p> <p>3 were just, you know -- five minutes and under, I</p> <p>4 didn't report those.</p> <p>5 When they were larger delays, which didn't</p> <p>6 happen a whole lot, but they happened enough,</p> <p>7 when the systems were down -- I reported it to my</p> <p>8 supervisor.</p> <p>9 Q. Who was your supervisor you reported that</p> <p>10 to?</p> <p>11 A. Oh, boy, I can't think of her name.</p> <p>12 I can't remember. I'm -- I'm sorry, I</p> <p>13 can't remember what her -- I can't remember her</p> <p>14 name. She was a blonde gal that sat right across</p> <p>15 from me, though. I can't remember.</p> <p>16 Q. Was it Abigail Martin?</p> <p>17 A. No.</p> <p>18 Q. When you reported those delays, did you</p> <p>19 report them by email or verbally?</p> <p>20 A. Mostly verbally. Once in a while email,</p> <p>21 but the -- they were mostly verbally with her.</p> <p>22 And there were several different people,</p> <p>23 because I had a different supervisor --</p> <p>24 supervisors during my tenure at My Pillow. It</p> <p>25 wasn't the same supervisor the whole time.</p>
<p style="text-align: right;">Page 7</p> <p>1 A. Correct.</p> <p>2 Q. And it looks like your employment ended on</p> <p>3 November 23, 2020.</p> <p>4 A. Yes, it did.</p> <p>5 Q. Did you know about this lawsuit while you</p> <p>6 were still working at My Pillow?</p> <p>7 A. Vaguely, I did. A little bit. I knew</p> <p>8 people were contacted about getting in.</p> <p>9 Q. What did you understand about the lawsuit</p> <p>10 while you were still working there?</p> <p>11 A. Just that people thought they were not</p> <p>12 getting paid fairly for breaks and, you know, for</p> <p>13 time when the computers were down and those type</p> <p>14 things.</p> <p>15 Q. Once you learned about those allegations,</p> <p>16 did you start tracking the time it took you to</p> <p>17 log into your computer?</p> <p>18 A. I didn't track the time, no. I just --</p> <p>19 you know, I -- I know if -- approximately what it</p> <p>20 was, but I did not keep a -- a -- actual physical</p> <p>21 track of it, no.</p> <p>22 Q. While you were working there, did you</p> <p>23 report any delay in your login time?</p> <p>24 A. When they were big delays, I certainly</p> <p>25 did, you know. When they were over ten minutes</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. Every time you experienced a delay logging</p> <p>2 in, did you report it to someone at My Pillow?</p> <p>3 A. No.</p> <p>4 Again, like I said, only the ones that</p> <p>5 were, you know, I'd say 10, 15 minutes or longer.</p> <p>6 Not the short ones.</p> <p>7 Q. Every --</p> <p>8 A. I think a lot of people had short delays.</p> <p>9 I mean, every day, I mean, it was something. We</p> <p>10 just kind of took it, thought that was normal.</p> <p>11 But, again, once in a while they were</p> <p>12 long -- they sometimes were delays up to, I'm</p> <p>13 saying, over an hour, so -- when we couldn't get</p> <p>14 into the system.</p> <p>15 Q. It took over an hour to log into the</p> <p>16 system?</p> <p>17 A. Once in awhile, when the computers went</p> <p>18 down.</p> <p>19 Especially what happened on the weekends,</p> <p>20 when there was no tech service support there, you</p> <p>21 know, we'd have to do it over the phone with</p> <p>22 people.</p> <p>23 And call them up. And they'd do it</p> <p>24 remotely, from home. I assume that's where they</p> <p>25 were.</p>

<p style="text-align: right;">Page 10</p> <p>1 It didn't happen that -- those long ones</p> <p>2 didn't happen very often, but they did happen.</p> <p>3 Q. Every time there was a delay longer than</p> <p>4 ten minutes, did you report it to someone at My</p> <p>5 Pillow?</p> <p>6 A. I'd say the majority of the time I did. I</p> <p>7 couldn't say 100 percent, but the majority of the</p> <p>8 time I did.</p> <p>9 Q. Every time you reported a delay, were you</p> <p>10 compensated for that time?</p> <p>11 A. I assume I was. I didn't check</p> <p>12 100 percent of the time, because, like they said,</p> <p>13 they would change my clock punches.</p> <p>14 And, to be very honest, I'm not very</p> <p>15 computer savvy, so I have no -- didn't know how</p> <p>16 to check that and that. And I just assumed that</p> <p>17 they did that for me.</p> <p>18 Q. As far as you're aware, you don't know of</p> <p>19 any time where you experienced a delay more than</p> <p>20 ten minutes, you reported it, and then they</p> <p>21 didn't fix your time.</p> <p>22 Correct?</p> <p>23 A. Correct.</p> <p>24 Q. While you were still working there, did</p> <p>25 you hear about allegations that My Pillow was not</p>	<p style="text-align: right;">Page 12</p> <p>1 pretty lackadaisical about most things, I guess,</p> <p>2 is what I could say.</p> <p>3 Q. While you worked there, are you aware of</p> <p>4 any records that My Pillow wasn't keeping?</p> <p>5 A. No. I didn't -- I didn't get involved</p> <p>6 with any of that type of stuff.</p> <p>7 Q. You mentioned earlier that while you were</p> <p>8 still working there, you heard there were</p> <p>9 allegations about delays in login times.</p> <p>10 Do you recall who you heard that from?</p> <p>11 A. Other employees who sat near me.</p> <p>12 Q. Who were those employees?</p> <p>13 A. Oh, boy. They come and go, so I -- I -- I</p> <p>14 can't remember their names off -- a couple of</p> <p>15 them have even passed way, to be honest with you,</p> <p>16 I know, but -- but I can't remember who they</p> <p>17 were.</p> <p>18 Q. Do you know any of the other plaintiffs in</p> <p>19 this lawsuit?</p> <p>20 A. I never asked who they were. I never was</p> <p>21 told.</p> <p>22 Q. Do you know anyone else who is</p> <p>23 participating in this lawsuit?</p> <p>24 A. Not offhand, no.</p> <p>25 Q. It's your allegation that My Pillow should</p>
<p style="text-align: right;">Page 11</p> <p>1 keeping accurate employment records?</p> <p>2 A. I guess I really don't know that. They</p> <p>3 seemed kind of slipshod to me, to be honest with</p> <p>4 you. I didn't really have too much contact with</p> <p>5 these people, but it seemed like when I did</p> <p>6 contact --</p> <p>7 COURT REPORTER: If I could --</p> <p>8 A. (Continuing) -- that human resources --</p> <p>9 COURT REPORTER: Pardon me. Pardon</p> <p>10 me.</p> <p>11 THE WITNESS: Yeah.</p> <p>12 COURT REPORTER: Sorry for</p> <p>13 interrupting.</p> <p>14 You speak very quickly -- above 300 words</p> <p>15 a minute. And I am trying to capture everything.</p> <p>16 So if you could slow down just a -- a</p> <p>17 little bit, that would be very helpful.</p> <p>18 THE WITNESS: Okay.</p> <p>19 COURT REPORTER: Thank you.</p> <p>20 "I guess I really don't know that. They</p> <p>21 seemed kind of slipshod to me, to be honest with</p> <p>22 you. I didn't really have too much --"</p> <p>23 Please continue.</p> <p>24 A. (Continuing) Didn't have much to do with</p> <p>25 the human resources people, but they seemed</p>	<p style="text-align: right;">Page 13</p> <p>1 have paid you for time you spent logging into</p> <p>2 your computer?</p> <p>3 A. Yes, I do think they -- they should have</p> <p>4 paid for that.</p> <p>5 Q. At what point in the login process do you</p> <p>6 believe My Pillow should start paying you?</p> <p>7 A. When you first get into the computer</p> <p>8 and -- and try to log in. I guess, you know,</p> <p>9 when they get your information, your name and</p> <p>10 whatever -- I can't remember how to log in</p> <p>11 anymore, but when they got -- found out who it</p> <p>12 was, I guess that's -- they should start paying</p> <p>13 you then, I guess.</p> <p>14 Q. So when you wake up your computer and you</p> <p>15 enter your user name and password to unlock your</p> <p>16 computer?</p> <p>17 A. Right. Exactly. I think that's when you</p> <p>18 should -- should be paid.</p> <p>19 Q. How much time do you believe My Pillow</p> <p>20 failed to pay you for your time worked?</p> <p>21 A. Would you repeat that one more time?</p> <p>22 Q. How much time do you believe that</p> <p>23 My Pillow failed to pay you for the time you</p> <p>24 spent logging in?</p> <p>25 A. How much total time, do you think, when I</p>

<p style="text-align: right;">Page 14</p> <p>1 worked there? How --</p> <p>2 Q. Yes.</p> <p>3 A. Boy, is that -- that's a rough guess. I</p> <p>4 don't know.</p> <p>5 I would say it probably averaged five to</p> <p>6 eight minutes a day, I guess, for the days I</p> <p>7 worked there. So I don't know how many -- I</p> <p>8 don't know the total hours or minutes that would</p> <p>9 be. But fairly substantial.</p> <p>10 Q. Because you reported delays more than ten</p> <p>11 minutes, are you only saying that you weren't</p> <p>12 compensated for delays less than ten minutes?</p> <p>13 A. Right. Not that I know of. And I'm sure</p> <p>14 I wasn't.</p> <p>15 Q. Did you ever report delays that were less</p> <p>16 than ten minutes long?</p> <p>17 A. No. I mean, I -- I didn't report them;</p> <p>18 but, you know, I made comments, you know, about,</p> <p>19 "Boy, this is kind of ridiculous."</p> <p>20 But it, actually -- you know, go face-to-</p> <p>21 face with somebody, report them, like for the</p> <p>22 longer ones.</p> <p>23 Q. When you would make comments about the</p> <p>24 delay, who would you make those comments to?</p> <p>25 A. Again, to my -- they call them happy</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. When we discussed earlier that you were</p> <p>2 recording delays of over ten minutes to your</p> <p>3 supervisor, were those reports made to Lois?</p> <p>4 A. The -- the latter ones, yeah. The last</p> <p>5 few years, when she was working there, yeah, I</p> <p>6 reported everything to her.</p> <p>7 Q. Before Lois, do you recall who you</p> <p>8 reported those delays to?</p> <p>9 A. I don't see a name on there. No, I don't</p> <p>10 see any name that I recognize.</p> <p>11 Q. If Lois started in 2017, is it your belief</p> <p>12 that all of the reports you made after April 13th</p> <p>13 of 2017 would have been made to Lois?</p> <p>14 A. Correct.</p> <p>15 Q. I'm going to stop sharing my screen,</p> <p>16 unless there are any other names you're still</p> <p>17 looking at.</p> <p>18 You sat at the same desk every shift you</p> <p>19 worked. Correct?</p> <p>20 A. Correct, yep. I never moved.</p> <p>21 Q. You also --</p> <p>22 A. I did -- excuse me.</p> <p>23 I did move, maybe, once or twice, when we</p> <p>24 couldn't get the computers working. They -- they</p> <p>25 put me on a different computer.</p>
<p style="text-align: right;">Page 15</p> <p>1 helpers. I can see that girl's face, but I can't</p> <p>2 think of her name.</p> <p>3 And, again, there were several of them in</p> <p>4 tenure. I worked there -- what? -- about four</p> <p>5 years or so. Almost five years. So...</p> <p>6 Q. I'm going to pull up an organizational</p> <p>7 chart we have, if you can just bear with me for</p> <p>8 one second. And perhaps that will help, if we</p> <p>9 can determine that supervisor's name. Just give</p> <p>10 me one moment.</p> <p>11 Okay. I'm going to mark this as</p> <p>12 Exhibit 1.</p> <p>13 (Deposition Exhibit No. 1 introduced.)</p> <p>14 Q. (By Ms. Olawsky, continuing) Can you see</p> <p>15 this chart on your screen, Mr. Arth?</p> <p>16 A. Yes.</p> <p>17 Q. This is Exhibit 1. And this is a list of</p> <p>18 supervisors that My Pillow created.</p> <p>19 Do you happen to see your supervisor's</p> <p>20 name on this list?</p> <p>21 A. I do. Lois, Lois Hansel.</p> <p>22 Q. Okay.</p> <p>23 A. She was -- she was the last one.</p> <p>24 Now, there were others, too, but she was</p> <p>25 the very last one, you know, at the very end.</p>	<p style="text-align: right;">Page 17</p> <p>1 But I'd say, in all those years, happened</p> <p>2 maybe two, three times, at the most. Because</p> <p>3 we'd always wait to get mine up.</p> <p>4 Q. On those occasions where they moved you to</p> <p>5 a different computer, did they compensate you for</p> <p>6 that time spent trying to log into your computer?</p> <p>7 A. I do not know if they did or not, because,</p> <p>8 you know, I wasn't logged in at all. So I -- I</p> <p>9 would -- I don't know. I'm not going to say yes</p> <p>10 or no.</p> <p>11 Like I said, I don't -- I didn't check my</p> <p>12 pay records just to -- you know, I don't -- I</p> <p>13 mean, that type of stuff.</p> <p>14 Q. Earlier we talked about delays of over ten</p> <p>15 minutes.</p> <p>16 For delays of under ten minutes are you</p> <p>17 aware of any times where you reported the delay</p> <p>18 and you were not compensated for the delay?</p> <p>19 A. No, no.</p> <p>20 Q. When you arrived at your desk at the</p> <p>21 beginning of your shift, it was already turned</p> <p>22 on.</p> <p>23 Correct?</p> <p>24 A. The computers were always off when I got</p> <p>25 there.</p>

5 (Pages 14 - 17)

<p style="text-align: right;">Page 18</p> <p>1 Q. Your computer was always turned off?</p> <p>2 A. Yeah. We were told to shut down our</p> <p>3 computers every day when we left to go home.</p> <p>4 Q. Who told you --</p> <p>5 A. Shut them --</p> <p>6 Q. I'm sorry.</p> <p>7 A. Shut them -- shut them completely down.</p> <p>8 Q. Who told you that?</p> <p>9 A. That was Sherry Miles. That's right when</p> <p>10 I first started. Because some of the first days,</p> <p>11 when I got done working, I just left.</p> <p>12 And then she told me, "You have to shut</p> <p>13 your computer off before you go home."</p> <p>14 Q. Did she tell you the reasoning for that?</p> <p>15 A. No. I assume just so nobody could get</p> <p>16 onto your computer and pretend they were you, I</p> <p>17 suppose. I don't know.</p> <p>18 Q. And when you say "shut the computer</p> <p>19 completely down," you mean that the computer was</p> <p>20 completely turned off.</p> <p>21 Correct?</p> <p>22 A. Correct.</p> <p>23 Q. And it's your understanding that when you</p> <p>24 arrived at work you had to push the power button</p> <p>25 to first turn your computer on?</p>	<p style="text-align: right;">Page 20</p> <p>1 but logged out at the end of every shift?</p> <p>2 MR. KAYLOR: Objection; assumes facts</p> <p>3 not in evidence.</p> <p>4 Q. (By Ms. Olawsky, continuing) You can go</p> <p>5 ahead and answer.</p> <p>6 A. Would that -- would you repeat that</p> <p>7 question one more time?</p> <p>8 Q. You weren't aware of a My Pillow policy</p> <p>9 that you needed to leave your computer on at the</p> <p>10 end of every shift?</p> <p>11 A. No.</p> <p>12 MR. KAYLOR: Same objection.</p> <p>13 Q. (By Ms. Olawsky, continuing) You were</p> <p>14 never trained to leave your computer logged out</p> <p>15 when you left at the end of the day?</p> <p>16 A. I was trained how to turn it off at the</p> <p>17 end of the day, yes.</p> <p>18 Q. How did you turn your computer off?</p> <p>19 A. I logged out and turned everything off and</p> <p>20 then turned the power off.</p> <p>21 Q. I'd like to walk through the login process</p> <p>22 that you allege you should have been compensated</p> <p>23 for.</p> <p>24 Earlier we discussed that you believe you</p> <p>25 should have started being paid as soon as you</p>
<p style="text-align: right;">Page 19</p> <p>1 A. Correct.</p> <p>2 Q. Did you completely shut off your computer</p> <p>3 after every single shift you worked?</p> <p>4 A. I had -- I know once -- left without doing</p> <p>5 it. I --</p> <p>6 COURT REPORTER: I'm sorry. Pardon</p> <p>7 me.</p> <p>8 A. (Continuing) -- forgotten --</p> <p>9 COURT REPORTER: Pardon me. Pardon</p> <p>10 me. I couldn't quite catch that. Could you</p> <p>11 repeat your answer?</p> <p>12 A. (Continuing) Once in a -- once in -- in a</p> <p>13 blue moon, I said, I may have forgotten to turn</p> <p>14 it off when I went home, but 99 percent of the</p> <p>15 time I turned it off every time I went home.</p> <p>16 Q. Throughout your employment did any other</p> <p>17 supervisor tell you that you needed to keep your</p> <p>18 computer on when you left at the end of the day?</p> <p>19 A. No.</p> <p>20 Q. Did you see other employees who left their</p> <p>21 computers on when they weren't working?</p> <p>22 A. No. I didn't -- didn't pay any attention</p> <p>23 to anybody else.</p> <p>24 Q. You're not familiar with the My Pillow</p> <p>25 policy that you needed to keep your computer on,</p>	<p style="text-align: right;">Page 21</p> <p>1 entered your user name and your password in the</p> <p>2 computer.</p> <p>3 Correct?</p> <p>4 A. Correct.</p> <p>5 Q. Once that happened, your computer would</p> <p>6 boot to its desktop. Correct?</p> <p>7 A. Yep, I think that's what it was. Yep,</p> <p>8 boot to the desktop.</p> <p>9 Q. And to boot up from the login screen to</p> <p>10 the desktop only took a matter of seconds.</p> <p>11 Right?</p> <p>12 A. Probably took a minute or so. Some -- if</p> <p>13 everything worked properly. But sometimes --</p> <p>14 that's sometimes -- that sometimes got hung up,</p> <p>15 you know. Couldn't get on right away.</p> <p>16 Q. How often would you say you couldn't get</p> <p>17 on right away?</p> <p>18 A. I would say 10 to 15 percent of the time.</p> <p>19 Q. And in those instances, those were the</p> <p>20 delays we were talking about earlier?</p> <p>21 A. Correct.</p> <p>22 Q. Once your computer reached the desktop</p> <p>23 screen, the next thing you would do is open the</p> <p>24 internet, to log into ADP.</p> <p>25 Right?</p>

<p style="text-align: right;">Page 22</p> <p>1 A. Correct.</p> <p>2 Q. That only took a matter of seconds.</p> <p>3 Right?</p> <p>4 A. Yep. Most every time it -- yep, if</p> <p>5 everything worked right, correct.</p> <p>6 Q. And then, once you logged into ADP, you</p> <p>7 clicked a clock-in button. Right?</p> <p>8 A. Boy, I -- I don't remember that. I -- I</p> <p>9 thought that was automatic, once you logged in.</p> <p>10 Maybe I did. It's -- it's been so long now. But</p> <p>11 whatever -- whatever you're supposed to do, I</p> <p>12 did.</p> <p>13 Q. Fair to say that once you got to ADP, it</p> <p>14 was a matter of seconds before you started being</p> <p>15 paid?</p> <p>16 A. Pretty much. Most -- you know, 90 percent</p> <p>17 of the time. Once in a while, you know, it would</p> <p>18 get hung up.</p> <p>19 Q. And throughout the process we just</p> <p>20 discussed, if you experienced delays, it was</p> <p>21 going from the login to the desktop screen -- is</p> <p>22 when you experienced the delays?</p> <p>23 A. Correct, yep.</p> <p>24 Q. You knew that you needed to clock in</p> <p>25 before you started performing any work.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. It was My Pillow's policy that you</p> <p>2 shouldn't do any of those things before you were</p> <p>3 clocked in.</p> <p>4 Right?</p> <p>5 A. That's correct.</p> <p>6 Q. In looking at your timecards, it looked --</p> <p>7 it looks like your shift typically started at</p> <p>8 7:00 a.m.</p> <p>9 Is that right?</p> <p>10 A. Correct. Yeah, I usually started 10 to</p> <p>11 7:00. Allowed me to start ten minutes early.</p> <p>12 Q. In your timecards it appears you</p> <p>13 consistently logged in at 6:50, on the dot.</p> <p>14 Does that sound right?</p> <p>15 A. Pretty much so, yep.</p> <p>16 Q. So you would arrive at My Pillow sometime</p> <p>17 before 6:50 and then ensure you were logged in at</p> <p>18 6:50 exactly.</p> <p>19 Right?</p> <p>20 A. Correct.</p> <p>21 Q. And that's because My Pillow allowed you</p> <p>22 to start working ten minutes before your shift?</p> <p>23 A. That's correct, that's what I was told.</p> <p>24 Q. How did you ensure that you were clocking</p> <p>25 in exactly at 6:50 every day?</p>
<p style="text-align: right;">Page 23</p> <p>1 Right?</p> <p>2 A. Correct, yep.</p> <p>3 Q. Did you ever work before you start --</p> <p>4 before you were clocked in?</p> <p>5 A. No. I did a couple times. And I was told</p> <p>6 I couldn't. I had to clock in. And I couldn't</p> <p>7 clock in until, I think it was, 6:50.</p> <p>8 Because I used to get to work early. And</p> <p>9 then once in a while I -- there weren't many</p> <p>10 people. Then I would -- I would actually clock</p> <p>11 in then. I -- I never worked without clocking</p> <p>12 in.</p> <p>13 Q. Did you ever use your computer -- your</p> <p>14 My Pillow computer for personal purposes?</p> <p>15 A. Well, I -- when times were slow, I --</p> <p>16 I -- the Internet, I would. Other than that, no.</p> <p>17 Q. Did you ever save documents to your</p> <p>18 My Pillow computer?</p> <p>19 A. No.</p> <p>20 Q. Did you ever download any programs to your</p> <p>21 My Pillow computer?</p> <p>22 A. No. Wouldn't even know how to do it.</p> <p>23 Q. Once you were clocked in, that's when you</p> <p>24 would read emails and open Anaware. Correct?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 25</p> <p>1 A. I don't know. I suppose the time was</p> <p>2 on -- yeah, I think the time was on the screen.</p> <p>3 Yeah.</p> <p>4 Q. During the login process, did you start</p> <p>5 some of that login before 6:50 and then...</p> <p>6 A. No.</p> <p>7 Q. You would -- would you just start the</p> <p>8 login process around 6:50, and then clock in at</p> <p>9 6:50?</p> <p>10 A. I pretty much started right at 6:50.</p> <p>11 Q. And, typically, when you got to that</p> <p>12 computer, login screen would be at 6:50. And</p> <p>13 then you would go through the process and also</p> <p>14 clock in at 6:50?</p> <p>15 A. Correct.</p> <p>16 Q. If you arrived at My Pillow earlier than</p> <p>17 that, would you -- what would you do at the</p> <p>18 premises?</p> <p>19 A. Well, I read the -- I brought the paper</p> <p>20 in. I read the paper. Have a -- a -- a bottle</p> <p>21 of pop or doughnut or something like that.</p> <p>22 Q. You weren't working before the -- before</p> <p>23 you clocked in?</p> <p>24 MR. KAYLOR: Objection; calls for</p> <p>25 legal conclusion.</p>

<p style="text-align: right;">Page 26</p> <p>1 A. (Continuing) I wasn't working before I 2 clocked in, no.</p> <p>3 Q. When My Pillow started using ADP, do you 4 recall being trained on how to use ADP?</p> <p>5 A. Our training was very -- not the greatest. 6 Yes, we were trained somewhat, but not -- 7 not the greatest. We pretty much learned on our 8 own or from asking other employees.</p> <p>9 Q. Any time you had trouble with ADP, did you 10 report it to your supervisor?</p> <p>11 A. Not -- not the minor times, but the major 12 times I did, yes, because -- yeah.</p> <p>13 Q. If you had trouble with ADP that affected 14 your clock-in times, did you report those 15 instances to your supervisor?</p> <p>16 A. I -- yep.</p> <p>17 Q. Every time you asked for your time to be 18 corrected, you're not aware of any time it wasn't 19 corrected.</p> <p>20 Right?</p> <p>21 A. Correct. I -- I just assumed they did it. 22 I never, like I say, checked to make sure that 23 she -- do it for me.</p> <p>24 Q. When you asked for your time to be 25 corrected, did you do that by email and verbally?</p>	<p style="text-align: right;">Page 28</p> <p>1 A. I assumed I wasn't being paid, because I 2 don't think I was logged in at that time, if the 3 computer was down.</p> <p>4 Q. Were there any instances where you -- you 5 had to contact IT at the beginning of your shift 6 and you didn't ask for that time to be 7 compensated?</p> <p>8 A. I guess I didn't talk to IT about being 9 compensated. I would always talk to the happy- 10 helper-type person to get compensated. Didn't 11 talk to IT about being compensated, though.</p> <p>12 Q. But if there was a delay in your clocking 13 in due to technical issues, did you al -- always 14 tell your supervisor that?</p> <p>15 A. Right.</p> <p>16 The -- like I say, for the larger times. 17 Not for the little short ones, but for the larger 18 times, yeah.</p> <p>19 Q. In looking at your time sheets, it -- did 20 you have an opportunity to review your time 21 sheets before your deposition today?</p> <p>22 A. I looked through them. There were so many 23 that, you know -- yeah.</p> <p>24 Q. In looking through your time sheets, it 25 appears that you only took one paid break on one</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Verbally.</p> <p>2 Q. And, same as we just discussed, every time 3 you verbally asked for your time to be corrected, 4 it was.</p> <p>5 Correct?</p> <p>6 A. I assumed it was corrected, yes.</p> <p>7 Q. You can't point to any instance where you 8 asked for it to be corrected and it wasn't?</p> <p>9 A. No.</p> <p>10 Q. Earlier you mentioned that IT wasn't 11 present at the My Pillow on the weekends.</p> <p>12 A. They didn't come in early. I don't know 13 what hours they worked, but they weren't in 14 early.</p> <p>15 In fact, even during the week -- of 16 course, I started early, so -- but -- but some 17 weekends they -- IT was not there at all.</p> <p>18 Q. If you had a computer problem, would you 19 typically report that to IT?</p> <p>20 A. Yeah. We had a phone number we'd call, 21 like I say. And those people were at home. They 22 would remotely do things from home.</p> <p>23 Q. If you spent time trying to get your 24 computer fixed by IT, did you ensure you were 25 paid for that time?</p>	<p style="text-align: right;">Page 29</p> <p>1 occasion during your employment.</p> <p>2 Does that sound right?</p> <p>3 A. Yeah. Yep.</p> <p>4 I didn't take a break at all, for the most 5 part. Like I say, I came in and I worked.</p> <p>6 I had -- there was a refrigerator, I would 7 say, probably about 40 feet from where my cubicle 8 was. And I would -- once a day I would get up 9 and go to the refrigerator and get a bottle of 10 pop out of the refrigerator.</p> <p>11 And I got reprimanded for not clocking out 12 for that period of time. And I told -- this was 13 Sherry.</p> <p>14 I told her it would take me longer to 15 clock out and clock back in than it did for me to 16 walk over. Be less than a minute.</p> <p>17 So I'll be honest with you, I never did 18 clock out for that time.</p> <p>19 Q. I -- I can pull up the time sheet, if you 20 want. But I saw -- the only paid break I've seen 21 is in September of 2019 you took a three-minute 22 paid break.</p> <p>23 Does that sound right?</p> <p>24 A. Probably, because she was on my back so 25 much, I did it just to get her off my back.</p>

<p style="text-align: right;">Page 30</p> <p>1 Q. And that break was paid. Right?</p> <p>2 A. I don't know. I -- again, I don't know.</p> <p>3 Q. Let me pull this up. One moment.</p> <p>4 I'm going to mark this as Exhibit 2. Can</p> <p>5 you see this time sheet on your screen?</p> <p>6 (Deposition Exhibit No. 2 introduced.)</p> <p>7 A. (Continuing) Yep.</p> <p>8 Q. I don't know -- if you have the paper</p> <p>9 documents in front of you and you would prefer it</p> <p>10 that way, I can direct you to that page.</p> <p>11 But I'm showing you page 151 from your</p> <p>12 time sheets. And I will zoom in.</p> <p>13 Did that help?</p> <p>14 A. That helps, yep.</p> <p>15 Q. It looks like on September 26 you took a</p> <p>16 break from 11:52 a.m. to 11:55 a.m.</p> <p>17 Do you see that?</p> <p>18 A. Yes, I do.</p> <p>19 Q. And then if we scroll down under the pay</p> <p>20 code summary, it says, "Paid break .17 hours."</p> <p>21 Do you see that?</p> <p>22 A. I see that.</p> <p>23 Q. According to this, the -- the only break</p> <p>24 you took was -- was paid. Right?</p> <p>25 A. It looks like it was. Yes, it is.</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. You would turn --</p> <p>2 A. Not that I can remember. Not that I can</p> <p>3 remember, no.</p> <p>4 Q. Would you turn your computer off before</p> <p>5 you left, on those handful of occasions?</p> <p>6 A. I'd say -- I'm not going to say</p> <p>7 100 percent, because sometimes I left quickly.</p> <p>8 But I'd say I was supposed to. And I think I</p> <p>9 did.</p> <p>10 Q. You believe that you then started your</p> <p>11 computer from a -- power being off and -- when</p> <p>12 you returned back to the worksite.</p> <p>13 Right?</p> <p>14 A. Correct.</p> <p>15 Q. Do you allege that My Pillow failed to pay</p> <p>16 you for time spent logging in on those occasions,</p> <p>17 when you left in the middle of the workday?</p> <p>18 A. It was probably just like clocking in the</p> <p>19 in the morning, you know, I suppose. Those</p> <p>20 couple minutes or so that it took to clock in,</p> <p>21 power up.</p> <p>22 Q. Other than the three-minute paid break we</p> <p>23 discussed and those handful of times where you</p> <p>24 left for treatment, are you aware of any other</p> <p>25 breaks you took in your workday, that you weren't</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. And so any delay you had logging back in</p> <p>2 or clocking back in after your break -- that was</p> <p>3 all paid time.</p> <p>4 Right?</p> <p>5 A. Correct.</p> <p>6 Q. In looking at your time sheet -- in</p> <p>7 looking at your time sheets, the only other times</p> <p>8 I saw you clocking out in the middle of a</p> <p>9 shift -- looks like a handful of occasions in the</p> <p>10 spring of 2019, where you were clocking out for</p> <p>11 maybe an hour and a half or two hours at a time.</p> <p>12 Does that sound right to you?</p> <p>13 A. Correct.</p> <p>14 I had -- was diagnosed with cancer. And I</p> <p>15 had to go in and get treatments. So I had to go</p> <p>16 to the hospital in Waconia. And I clocked out</p> <p>17 for that period of time.</p> <p>18 Q. When you -- when you would leave the</p> <p>19 worksite on those dates, did you log out of your</p> <p>20 computer?</p> <p>21 A. When I went -- when I went -- yes, I did</p> <p>22 log out, yes.</p> <p>23 Q. When you returned back to the worksite,</p> <p>24 was your computer already on?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 33</p> <p>1 compensated for?</p> <p>2 A. No.</p> <p>3 Q. You can't point to any occasion in these</p> <p>4 time records where your computer took five</p> <p>5 minutes to log in or three minutes to log in.</p> <p>6 Can you?</p> <p>7 A. Any particular day, you mean?</p> <p>8 No, no, no.</p> <p>9 Q. To the best of your knowledge, you don't</p> <p>10 have any ballpark for how much time you believe</p> <p>11 you should be compensated for by My Pillow.</p> <p>12 Correct?</p> <p>13 A. Well, you know, if -- like I say, there</p> <p>14 were a few times when it was a -- a fair amount</p> <p>15 of time. But, on the average, every day was a</p> <p>16 few minutes.</p> <p>17 And, then again, there were probably ten</p> <p>18 times or so where it was a fair amount longer,</p> <p>19 anywheres from 15 minutes to -- sometimes it was</p> <p>20 either, I'd say, close to an hour, once in a</p> <p>21 while, when we couldn't get the systems up. But</p> <p>22 that was very infrequent.</p> <p>23 So --</p> <p>24 Q. Those --</p> <p>25 A. -- compensated?</p>

<p style="text-align: right;">Page 34</p> <p>1 I have -- don't have a clue.</p> <p>2 Q. Those times, though, where it took ten</p> <p>3 minutes or more, you -- you reported that,</p> <p>4 though.</p> <p>5 Correct?</p> <p>6 A. I'd say most of them I did. Yeah. I'm</p> <p>7 not -- I -- I can't guaranty I did all of them,</p> <p>8 but I'd say most of them, yeah.</p> <p>9 Q. For the instances where it took</p> <p>10 five -- five to ten minutes, would you report</p> <p>11 those delays?</p> <p>12 A. No. I mean, maybe made comments, but no,</p> <p>13 I don't report them.</p> <p>14 MS. OLAWSKY: That's all the</p> <p>15 questions that I have. Thank you so much for</p> <p>16 your time.</p> <p>17 THE WITNESS: Thank you.</p> <p>18 MR. KAYLOR: Okay. Tom, I've got a</p> <p>19 few questions for you, so I'll take over here.</p> <p>20 EXAMINATION</p> <p>21 BY MR. KAYLOR:</p> <p>22 Q. Ms. Olawsky referred -- strike that.</p> <p>23 You recall that you clocked in pretty</p> <p>24 consistently at 6:50 every morning. Right?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 36</p> <p>1 And the computer would be on, but I would</p> <p>2 not be logged in to -- you know, getting paid for</p> <p>3 it, obviously.</p> <p>4 Q. Do you recall receiving training or an</p> <p>5 orientation as a call center representative?</p> <p>6 A. One more -- repeat that one more time,</p> <p>7 Zack.</p> <p>8 Q. Do you recall receiving training or an</p> <p>9 orientation as a call center representative?</p> <p>10 A. No. I don't remember any orientation or</p> <p>11 anything, no.</p> <p>12 We -- lot of employees talk about that.</p> <p>13 Our training was very, very poor.</p> <p>14 Q. Do you remember who your human resources</p> <p>15 manager was?</p> <p>16 A. Traci Shrimp.</p> <p>17 Q. Did Traci Shrimp ever tell you that you'd</p> <p>18 be paid to boot up your computer at the start of</p> <p>19 your shift?</p> <p>20 A. No. I had very little contact with her.</p> <p>21 Very little.</p> <p>22 Q. I think you referenced someone else at</p> <p>23 My Pillow earlier, named Sherry Miles.</p> <p>24 Do you remember that?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. And would you have to turn on your</p> <p>2 computer before 6:50?</p> <p>3 A. I -- I would try -- try to get it on</p> <p>4 before 6:50, yeah.</p> <p>5 Q. Then you would have to log in before 6:50.</p> <p>6 Right?</p> <p>7 A. I wouldn't log in until 6:50. I would</p> <p>8 turn the computer itself on, but I wouldn't log</p> <p>9 in.</p> <p>10 Q. You would log into ADP at 6:50. Is that</p> <p>11 fair?</p> <p>12 A. That's correct, yeah.</p> <p>13 Q. But before you could get to ADP, you would</p> <p>14 need to log into the computer itself.</p> <p>15 Correct?</p> <p>16 A. Correct.</p> <p>17 Q. And before you could log into the computer</p> <p>18 itself, you would need to turn the computer on.</p> <p>19 Right?</p> <p>20 A. That's correct, yeah.</p> <p>21 I mean, some days when I came in I'd</p> <p>22 turned the computer on early and -- and, like I</p> <p>23 told the young lady, I would go on the Internet</p> <p>24 and read the news or something like that. Not</p> <p>25 every day, but, you know, probably half the time.</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. Do you remember what her role was?</p> <p>2 A. I think she was, like, the supervisor of</p> <p>3 the employees that worked there. That's who I</p> <p>4 interviewed with when I got my job. And she</p> <p>5 seemed -- seemed to be the supervisor of</p> <p>6 everybody at that call center. I don't know what</p> <p>7 her exact title is.</p> <p>8 Q. Did Ms. Miles ever tell you that you'd be</p> <p>9 paid to boot up your computer in the morning?</p> <p>10 A. No. We never talked about that at all.</p> <p>11 Q. Did anyone at My Pillow ever tell you to</p> <p>12 keep track of the time you spent booting up your</p> <p>13 computer each day?</p> <p>14 A. No. No, they didn't.</p> <p>15 But Sherry did tell me -- like I said, is</p> <p>16 when I -- when I first started coming in early,</p> <p>17 in sales, I would get on line and -- actually, on</p> <p>18 line early.</p> <p>19 And she told me -- I did this, maybe, for</p> <p>20 two or three times. Maybe couple more. Maybe</p> <p>21 five at the very -- probably two or three.</p> <p>22 And she told me I could not clock in or do</p> <p>23 anything before 6:50, before my shift would</p> <p>24 start. They'd allow me to start ten minutes</p> <p>25 early.</p>

<p style="text-align: right;">Page 38</p> <p>1 So that's when I started the 6:50 routine.</p> <p>2 MR. KAYLOR: That's all the questions</p> <p>3 I have for you, Tom.</p> <p>4 Janet, if you've got anything further?</p> <p>5 MS. OLAWSKY: I don't. Thank you.</p> <p>6 MR. KAYLOR: And we can go off the</p> <p>7 record.</p> <p>8 MS. OLAWSKY: Should we put the read</p> <p>9 and sign on?</p> <p>10 MR. KAYLOR: I'll -- yeah, no</p> <p>11 problem.</p> <p>12 MS. OLAWSKY: Mr. -- Mr. Arth, you</p> <p>13 have an opportunity to receive a copy of this</p> <p>14 transcript so you can review it for accuracy. Or</p> <p>15 you can waive that right.</p> <p>16 Would you like a copy of your transcript</p> <p>17 to look at?</p> <p>18 THE WITNESS: No, thanks.</p> <p>19 MS. OLAWSKY: Thank you so much for</p> <p>20 your time. Have a great day.</p> <p>21 THE WITNESS: Thank you. You, too.</p> <p>22 Thanks much.</p> <p>23 (Discussion held off the record.)</p> <p>24 COURT REPORTER: Janet, you would</p> <p>25 like a transcript made of this?</p>	<p style="text-align: right;">Page 40</p> <p>1 REPORTER'S CERTIFICATE</p> <p>2 STATE OF WISCONSIN</p> <p>3</p> <p>4 I hereby certify that I reported the</p> <p>5 videoconference deposition of THOMAS ARTH, who</p> <p>6 appeared remotely before me on August 15, 2022,</p> <p>7 and that by stipulation and agreement of counsel</p> <p>8 to swear in the witness remotely, the witness was</p> <p>9 by me first duly sworn to tell the whole truth;</p> <p>10 That the testimony was transcribed by me</p> <p>11 to the best of my ability and is a true record of</p> <p>12 the testimony of the witness; that the right to</p> <p>13 read and sign was reserved.</p> <p>14</p> <p>15 That the cost of the original has been</p> <p>16 charged to the party who noticed the deposition,</p> <p>17 and that all parties who ordered copies have been</p> <p>18 charged at the same rate for such copies;</p> <p>19 That I am not a relative or employee or</p> <p>20 attorney or counsel of any of the parties, or</p> <p>21 relative or employee of such attorney or counsel;</p> <p>22 That I am not financially interested in</p> <p>23 the action and have no contract with the parties,</p> <p>24 attorneys, or persons with an interest in the</p> <p>25 action that affects or has a substantial tendency</p> <p>to affect my impartiality.</p> <p>WITNESS MY HAND AND SEAL THIS 19th of</p> <p>August, 2022.</p> <p><i>Nancy G. Gisch</i></p> <p>NANCY G. GISCH, RNIA, CRR, CLR, CRC</p> <p>Notary Public, State of Wisconsin</p> <p>My commission expires on 11/13/24</p>
<p style="text-align: right;">Page 39</p> <p>1 MS. OLAWSKY: Yes. I believe we have</p> <p>2 a standing order for our preferences.</p> <p>3 COURT REPORTER: Okay. Sounds good.</p> <p>4 And Zack?</p> <p>5 MR. KAYLOR: Yeah, we'll want a copy.</p> <p>6 I'm going to drop my email for you in the</p> <p>7 chat, if you don't have it already.</p> <p>8 COURT REPORTER: That would be great.</p> <p>9 Thank you.</p> <p>10 (Deposition concluded at 10:02 a.m.)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 41</p> <p>1 Veritext Legal Solutions</p> <p>2 1100 Superior Ave</p> <p>3 Suite 1820</p> <p>4 Cleveland, Ohio 44114</p> <p>5 Phone: 216-523-1313</p> <p>6</p> <p>7 August 29, 2022</p> <p>8 To: Mr. Kaylor</p> <p>9</p> <p>10 Case Name: Deutsch, Brandon Et Al. v. My Pillow, Inc.</p> <p>11</p> <p>12 Veritext Reference Number: 5368270</p> <p>13</p> <p>14 Witness: Thomas Arth Deposition Date: 8/15/2022</p> <p>15</p> <p>16 Dear Sir/Madam:</p> <p>17</p> <p>18 Enclosed please find a deposition transcript. Please have the witness</p> <p>19</p> <p>20 review the transcript and note any changes or corrections on the</p> <p>21</p> <p>22 included errata sheet, indicating the page, line number, change, and</p> <p>23</p> <p>24 the reason for the change. Have the witness' signature notarized and</p> <p>25</p> <p>forward the completed page(s) back to us at the Production address</p> <p>shown</p> <p>above, or email to production-midwest@veritext.com.</p> <p>If the errata is not returned within thirty days of your receipt of</p> <p>this letter, the reading and signing will be deemed waived.</p> <p>Sincerely,</p> <p>Production Department</p> <p>NO NOTARY REQUIRED IN CA</p>

<div style="text-align: right; font-weight: bold;">Page 42</div> <p>1 DEPOSITION REVIEW CERTIFICATION OF WITNESS</p> <p>2</p> <p>3 ASSIGNMENT REFERENCE NO: 5368270 CASE NAME: Deutsch, Brandon Et Al. v. My Pillow, Inc. DATE OF DEPOSITION: 8/15/2022</p> <p>4 WITNESS' NAME: Thomas Arth 5 In accordance with the Rules of Civil 6 Procedure, I have read the entire transcript of 7 my testimony or it has been read to me. 8 I have made no changes to the testimony as transcribed by the court reporter.</p> <p>9 _____ Date Thomas Arth</p> <p>10 Sworn to and subscribed before me, a 11 Notary Public in and for the State and County, 12 the referenced witness did personally appear and acknowledge that:</p> <p>13 They have read the transcript; 14 They signed the foregoing Sworn Statement; and 15 Their execution of this Statement is of their free act and deed.</p> <p>16 I have affixed my name and official seal 17 this _____ day of _____, 20____.</p> <p>18 _____ Notary Public</p> <p>19 _____ Commission Expiration Date</p> <p>20 21 22 23 24 25</p>	<div style="text-align: right; font-weight: bold;">Page 44</div> <p>1 ERRATA SHEET VERITEXT LEGAL SOLUTIONS MIDWEST</p> <p>2 ASSIGNMENT NO: 5368270</p> <p>3 PAGE/LINE(S) / CHANGE /REASON</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____ Date Thomas Arth</p> <p>21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____</p> <p>22 DAY OF _____, 20____.</p> <p>23 _____</p> <p>24 Notary Public</p> <p>25 _____ Commission Expiration Date</p>
<div style="text-align: right; font-weight: bold;">Page 43</div> <p>1 DEPOSITION REVIEW CERTIFICATION OF WITNESS</p> <p>2</p> <p>3 ASSIGNMENT REFERENCE NO: 5368270 CASE NAME: Deutsch, Brandon Et Al. v. My Pillow, Inc. DATE OF DEPOSITION: 8/15/2022</p> <p>4 WITNESS' NAME: Thomas Arth 5 In accordance with the Rules of Civil 6 Procedure, I have read the entire transcript of 7 my testimony or it has been read to me. 8 I have listed my changes on the attached Errata Sheet, listing page and line numbers as 9 well as the reason(s) for the change(s). 10 I request that these changes be entered as part of the record of my testimony.</p> <p>11 I have executed the Errata Sheet, as well 12 as this Certificate, and request and authorize that both be appended to the transcript of my 13 testimony and be incorporated therein.</p> <p>14 _____ Date Thomas Arth</p> <p>15 Sworn to and subscribed before me, a 16 Notary Public in and for the State and County, 17 the referenced witness did personally appear and acknowledge that:</p> <p>18 They have read the transcript; 19 They have listed all of their corrections in the appended Errata Sheet; 20 They signed the foregoing Sworn Statement; and 21 Their execution of this Statement is of their free act and deed.</p> <p>22 I have affixed my name and official seal 23 this _____ day of _____, 20____.</p> <p>24 _____ Notary Public</p> <p>25 _____ Commission Expiration Date</p>	